

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

BRIAN J. STRETCH (CSBN 163973)  
Chief, Criminal Division

SUSAN KNIGHT (CSBN 209013)  
Assistant United States Attorney

150 Almaden Blvd., Suite 900  
San Jose, California 95113  
Telephone: (408) 535-5056  
FAX: (408) 535-5066  
Susan.Knight@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
YONG YI OU,  
  
Defendant.

No. CR 08-00472 JF

STIPULATION AND [PROPOSED]  
ORDER CONTINUING STATUS  
HEARING AND EXCLUDING TIME  
UNDER THE SPEEDY TRIAL ACT

SAN JOSE VENUE

The undersigned parties respectfully request that the status hearing scheduled for March 11, 2009 be continued to April 15, 2009. The reason for the continuance is that the parties are examining the loss amount in the case, and need additional time to reach an agreement. Therefore, the parties are requesting a continuance to April 15, 2009. In addition, the parties agree and stipulate that a waiver of time under the Speedy Trial Act from March 11, 2009 to April 15, 2009 is appropriate. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

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1 SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

2  
3 DATED: 3/10/09

/s/  
SUSAN KNIGHT  
Assistant United States Attorney

4  
5 DATED: 3/10/09

/s/  
NICHOLAS P. HUMY  
Counsel for Ms. OU

6  
7  
8 Accordingly, the Court HEREBY ORDERS that the status hearing is continued to April 15,  
9 2009 at 9:00 a.m.

10 For good cause shown, the Court FURTHER ORDERS that time be excluded under the  
11 Speedy Trial Act from March 11, 2009 to April 15, 2009. The Court finds, based on the  
12 aforementioned reasons, that the ends of justice served by granting the requested continuance  
13 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant  
14 the requested continuance would deny defense counsel reasonable time necessary for effective  
15 preparation, taking into account the exercise of due diligence, and would result in a miscarriage  
16 of justice. The Court therefore concludes that this exclusion of time should be made under 18  
17 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

18 SO ORDERED.

19  
20 DATED: 3/11/09

  
JEREMY FOGEL  
United States District Judge